

# Sexual Harassment: Awareness and Prevention

Sexual Harassment is...

- Discrimination that violates Title VII of the Civil Rights Act of 1964
- Unwelcome conduct of a sexual nature occurring in the workplace

Two Types of Sexual Harassment

- *Quid Pro Quo* sexual harassment occurs when an employment decision is made based on the subject's submission to (or rejection of) sexual advances
- *Hostile environment* sexual harassment occurs when conduct that is sexual or gender-based in nature has the effect of creating an intimidating hostile or offensive working environment or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance.

Note: unwelcome sexual behavior does not have to be directed *at* an individual to be considered sexual harassment; its *presence* in the workplace can create a hostile environment.

## ***Prohibited Behaviors***

### ***Include:***

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Retaliation or threats of retaliation in response to declining sexual advances or filing a report or complaint of sexual harassment
- Visual conduct: leering, mooning, sexual gestures, display of sexually suggestive objects, pictures, posters, screensavers, cartoons, etc.
- Verbal conduct: Making or using derogatory comments, slurs, epithets, jokes, or remarks that are gender-based or of a sexual nature
- Verbal abuse: graphic or sexual comments or remarks about a person's body or appearance, suggestive or obscene letters, notes, or invitations
- Physical conduct: unwanted touching, impeding or blocking movement

### ***Behaviors that may constitute sexual harassment:***

- Repeated requests for dates or other invitations
- Remarks about a persons looks, clothing, body
- Whistling, staring, offensive facial expressions
- Hugging, patting, pinching, poking, kissing
- Questions about a persons sexual practices
- Use of gender-based patronizing terms or remarks
- Unwanted sharing of personal information of a sexual nature
- Love poems, e-mails, or notes of a sexual or suggestive nature

## Quiz for Staff

1. If an employee engages in conduct of a sexual nature in the presence of ten people, and only one person is offended, it is doubtful that harassment occurred.
2. Can individual non-supervisory staff be legally liable for harassment or is it the court that is liable?
3. If I believe that I have been harassed, do I have to report it to my supervisor?
4. The only way that a person knows if behavior is unwelcome to a co-worker is if the offended person tells them it is unwelcome.
5. For a behavior to be sexual harassment it must occur \_\_\_\_\_ many times?
6. As long as I am on break and the person I am telling the joke to is not offended, I cannot be accused of sexual harassment.

7. Although it may be unprofessional, gossiping about an ongoing investigation is not harassment.
8. An employee who dresses in a provocative manner may be harassing others in the workplace.
9. You must tell the person harassing you to stop before reporting it to a supervisor.
10. Can a man claim harassment of a sexual nature if the offending person is another man?
11. If I were harassed I would report the incident to \_\_\_\_\_

## Professional? Sexual Harassment?

<p><b>1. Sexual comments and jokes shared among staff.</b></p>	<p>Telling jokes of a sexual nature is never appropriate or professional in the workplace. Although one joke may not be sexual harassment, it may contribute to a pattern of harassment, which creates a hostile environment. Additionally, employees should not to send sexual jokes on email or download them from the internet.</p>
<p><b>2. Co-workers who frequently touch and hug each other.</b></p>	<p>In the workplace it is best to be careful with hugging and touching as others can misinterpret this behavior. Of course that does mean that welcoming someone back after vacation is an act of sexual harassment, but it does mean that you may want to be cautious about your behavior. Not everyone wants a neck rub in the afternoon. Your need for personal space may be quite a bit less than a co-worker and you will want to respect that and act accordingly.</p>
<p><b>3. A fellow employee makes a sarcastic remark to you quietly about a co-workers physical features.</b></p>	<p>Making sarcastic comments about a co-worker's personal appearance is always unprofessional and if part of a pattern of behavior, may be grounds for sexual harassment complaint. Keep in mind you don't really know your audience as well as you think. Be very careful at work about sharing sarcastic comments that could be experienced as sexual in nature and harmful to a co-worker.</p>
<p><b>4. An employee accuses another of harassment because he is staring at her.</b></p>	<p>Intimidating, lewd, offensive stares can be considered sexual harassment.</p>
<p><b>5. A clerk uses offensive language when she is not in the court.</b></p>	<p>Offensive language is not professional and may rise to the level of sexual harassment depending on the severity and frequency of the words.</p>
<p><b>6. A clerk is talking on the phone to her boyfriend during her lunch hour and the conversation is a little steamy.</b></p>	<p>Your conversations at work are most likely within hearing of other employees and should be kept short and professional, even during your lunch hour. Inappropriate conversations in the workplace may create a hostile environment.</p>

## Sexual Harassment Vignettes

Vignette 1 - Flirting: whose problem is this?

Is anyone being harassed here? If yes, who?

What other problems do you see?

Vignette 2 - “I don’t have to be your friend”

Is it ok to shun a co-worker if you disagree with his or her complaint?

What message is the group sending to others about making a complaint of harassment?

Could the court be liable for this type of behavior?

## Broadcast Fax Form



**To: CJER**

**Fr:**

**Da:**

**Su: “Sexual Harassment Awareness and Prevention” Staff Edition**

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**\*Question(s) for Panel:**

**\*Questions not answered during the broadcast will be posted to the COMET site  
([www.courtinfo.ca.gov/comet](http://www.courtinfo.ca.gov/comet)) with our panelists’ responses.**

**Your Training Coordinator has the COMET login and password for you.**

# Sexual Harassment: Awareness and Prevention

## "The Basics for Court Staff"

### Evaluation Form

1. Has this broadcast increased your understanding of sexual harassment? If so, what information did you find most helpful?
2. Do you still have questions about this topic that the broadcast did not address? If so, what are they?
3. Would this broadcast be helpful as part of a new court staff orientation or basic training? Why or why not?
4. What are your suggestions for future broadcast topics for court staff?
5. Please rate the following broadcast elements of the program (Circle your response)

	strongly agree		strongly disagree		
The sound was of high quality	5	4	3	2	1
The picture was of high quality	5	4	3	2	1
9 am is a good time for a broadcast N/A or	5	4	3	2	1
3 pm is a good time for a broadcast N/A or	5	4	3	2	1

Additional comments:

Court \_\_\_\_\_

Downlink Site Location: \_\_\_\_\_  
(City)

Date: \_\_\_\_\_



Please FAX completed form to: Jay Harrell at (415) 865-4335  
*If necessary, please use additional page(s) for your responses.*





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OF THE COURTS

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**OFFICIAL CERTIFICATE OF ATTENDANCE FOR CALIFORNIA MCLE**

Provider:	Administrative Office of the Courts/ Education Division California Center for Judicial Education and Research (CJER)		
Subject Matter/Title:	Sexual Harassment: Awareness and Prevention		
Date and Time of Activity:			
Location:	Satellite Broadcast downlink site		
Length of Activity:	1 hour		
<div><b>Eligible California MCLE Credit</b> Total Hours: 1</div>			
Legal Ethics:		Substance Abuse/Emotional Distress:	
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**To be completed by attorney after participation in activity**

By signing below, I certify that I participated in the activity described above and am entitled to claim the following California MCLE hours, including:

Total Hour			
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**REMINDER:** Fax this completed form to CJER/Judicial Education at 415-865-4335. Keep this certificate of attendance for four years. In the event that you are audited by the State Bar, you may be requested to submit this certificate of attendance to the State Bar. Send to the State Bar only if you are audited.